

To: Sarah Hatch – EPA  
Christopher Clayton – DOE/FUSRAP  
Fr: Harvey Ferdman (Office of Representative Bill Otto, MO 70<sup>th</sup>)  
Re: West Lake Landfill – Radioactive Contamination  
Dt: May 2, 2013

Sarah and Christopher:

Please add the following to my original memo dated April 30, 2013 regarding the West Lake Landfill – Radioactive Contamination.

6.) The AEC Cover Letter dated Nov 1, 1974 and the attached RO Inspection Report No. 040-8035/74-01 dated 5-16-74\* contains information that implies that Radiologically Impacted Materials (RIM) may have been deposited into the Bridgeton Sanitary Landfill (West Lake OU2) in addition to West Lake OU1 Area 1 and OU1 Area 2.

A terse review of public EPA documents finds references to the RIM having been deposited into OU1 Area1 and Area2 and no references to the possibility that some of it may have ended up in OU2. The issue here is that the AEC document makes specific references to the sanitary landfill as well as the material being deposited at depths in excess of 100 feet. Only OU2 fits this description: according to the operator (Republic), OU1 was used for construction debris and OU2 for sanitary disposal AND only OU2 is 100+ feet deep. Further, in conversation with a representative of Republic (Jessica Merrigan), I was told that the landfill operator thought the RIM was clean fill and therefore it was staged in the open at OU1 Area1 (i.e., incoming truckloads were dumped there) and the RIM was then moved to OU1 Area2 as needed for cover of the construction debris. The information below shows that the hauling company, B&K Construction, as well as the licensee, Cotter Corporation, were under the impression that the RIM was to be placed 100 feet deep in a sanitary landfill along with garbage and refuse. While it is clear from observation that there is RIM in OU1 Area 1 and Area 2, the documents cited herein imply that RIM may have also been deposited in OU2.

Therefore, please let us know if the EPA's or DOE's investigation of this site has or is expected to address the possibility that RIM was deposited 100+ feet deep in OU2, including any testing for RIM that has been done or is planned to be done in OU2, etc.

Documentation for the above can be found in the following statements in the Cover Letter and the Report\*

Cover Letter

Page 1, paragraph 3 states:

"It is our understanding from your contractor that the material was then deposited under about 100 feet of refuse and earth at St. Louis, Missouri County sanitary landfill area No. 1."

RO Inspection Report

Page 5, paragraphs 1-3 state:

"...approximately 38,000 to 39,000 tons of soil removed from the top 12 to 18 inches of the Latty Avenue site was disposed of in St. Louis County sanitary land fill area No. 1 on

Old Bridge Road over the period July 31 through October 12, 1973. Based on this information, the licensee is in violation of 10 CFR 20.301 "Waste Disposal, General Requirement" in that he disposed of licensed material in a manner not authorized."

"A B&K Construction Company representative said that, as directed by Cotter Corporation, the barium sulfate cake material was spread over a considerable portion of the site and then removed along with the top soil."

"This material was hauled to the land fill area and used as cover for part of the several hundred truckloads of garbage and refuse that are shipped to the land fill area site every week. The licensee estimates that the barium sulfate is probably buried under 100 feet of garbage at this time."

\*U. S. Atomic Energy Commission Cover Letter dated Nov 1 1974 which included RO Inspection Report No. 040-8035/74-01 for an inspection preformed April 10 and 21-24, 1974

Note: As a suggestion, would quick check on this possibility be, since we know the weight of the RIM that B&K billed for, to measure the weight of a cubic unit of Area 1 and/or Area 2 and simply multiply that by the observed volume of material in OU1 Areas 1 and 2 to see if the weight approximates the 47,700 tons B&K billed Cotter Corp for (I have copies of the invoices)?

Response: The NRC report Mr. Ferdman quotes above is from November, 1974. Subsequent NRC investigation reports from 1976, 1982 and 1988 investigated this matter much more thoroughly and do not indicate that the radiological waste is in the OU2 landfill cells. These reports correct some of the statements made in the November, 1974 letter and address the confusion over which landfill received the radiological waste. In particular, the NRC's 1976 report (IE Investigation Report No. 76-01) on page 3 specifically discusses "...inaccurate information in Inspection Report No. 040-8035/74-01 regarding the identification of the landfill area..."

Your attention to this matter is greatly appreciated. Please call upon me if I can be of assistance in any way.

We look forward to your response.

Sincerely,  
*Harvey Ferdman*

Policy Advisor to  
Missouri State Representative Bill Otto, District 70  
St. Louis, MO 63017  
314-469-0595  
314-761-5100 (cell)